Zoning Board of Appeals
AUGUST 18, 2014
Casco Community Center

Members Present: Ted Beckner*, Sue Durkee, Trevor Tidd and Pat Troy
Members Absent: Terri Linnell
Staff Present: Sandy Fredricks, Secretary
Staff Absent: Donald Murphy, CEO
Public Present: David McGrath and Janis McGrath

*Ted wished to sit in at the meeting, however, having only recently been appointed and receiving the paperwork this evening, he was not going to participate in discussions or votes.

Trevor calls the meeting of the Zoning Board of Appeals to order at 7:00 P.M.

Trevor states that there is information he must read into the record and for those present. He reads the following information for the record:

1. Please recognize all statements through the Chair.
2. Please introduce yourself before speaking.
3. Applicant will receive a written Decision within 7 days of this meeting and has 45 days to appeal to Superior Court.
4. Applicant may stay for the Decision but cannot in any way participate in this part of the meeting.
5. If approved, the applicant will receive a Certificate of Zoning Variance Approval with the Notice of Decision and has 90 days to record it in the Registry of Deeds. If you do not record it within the 90-day limit, the Decision is automatically void and you cannot appeal for one (1) year.
6. A permit secured by vote of the Zoning Board of Appeals under the provisions of this Ordinance shall expire if the work or change involved is not commenced within one (1) year of the date on which the appeal is granted, and if the work or change is not substantially completed within eighteen (18) months of the date on which such appeal is granted.

Trevor states we have Minutes of July 21st, 2014 to be approved.

Trevor moves to approve the Minutes as written.
Sue seconds.
Any discussion? None.
All in favor? 3 yes (Sue, Pat & Trevor) – 0 no – 1 abstain (Ted)

Trevor states the Board has before it application of David McGrath, property known as Map 27, Lot 1; 588 Roosevelt Trail and located in a Commercial

District. He asks who will be presenting the matter to the Board. David asks that his mother, Janis, speak on his behalf.

Trevor begins the Evidentiary portion of the meeting.

EVIDENTIARY

Jan explains that David would like to build a garage and needs reduction to the side and rear setback to do so. She continues by stating they are on a small lot with a steep slope. Jan further states that the current house was built in 2006 on a grandfathered lot. The original structure had a garage but that was not included in the house construction of 2006. Janis and Pat review the information submitted for clarification purposes.

Pat states she questions the grandfathered status of the lot as rebuilding should have been done within a year from the loss of the original structure.

Pat states that the application says there will be one door on the garage and asks if this is correct. Janis states it is. David states it will be a 16' wide door.

Pat states she is concerned with the size of the lot being .54 acres and asks for confirmation that this is correct as it makes the lot approximately one-quarter of the minimum lot size for the district. Applicant confirms that the .54 acres is correct. The Board and applicant discuss the possible acquisition of additional property; however, the Board acknowledges that they cannot use the possibility of additional land in their consideration and decision.

Trevor asks if the applicant has heard from any of their abutters. Janis states they have not; Sandy confirms that the Town has not had any inquiries from abutters. Trevor asks if the abutters were notified. Sandy informs that the applicant mailed out the required notices. Janis states they only received five green cards back which are in the Town's file. The Board reviews the abutter list and which cards have been returned.

Pat states she likes the front buffer of trees, but wants to know what is in that area that the garage could not be located further up. Janis states that is the septic and leach field. She continues that the side has a steep slope down toward the store which is one reason why they need the variance.

Pat states basically with the septic there and the fact that the access to the house is on the other side, there would be difficulties to reroute the whole thing. Pat continues, applicant is asking for a two car garage with storage on each side and asks if there would be a separate "house door" to access the storage. David states there will be, but he doesn't know where he wants the entry door either in front or on the side.

Trevor asks the applicant if he would consider a smaller garage rather than the 24' x 32' requested. He continues if they reduced it to a 24' x 24' garage it would cut down on the size of the variance needed. David states he would consider it if he had to.

Pat states she is concerned about the size of the lot with a house, a storage shed and now a large garage if this granted. She continues that this is a lot of coverage on a small lot. She states maximum impervious to the lot area is 40%. Trevor states looking at the pictures it would be well under that. Trevor states the applicant indicates that the driveway will be gravel so it is not necessarily impervious.

Trevor asks if the Board has any other questions. Being none, Trevor closes the Evidentiary Portion of the meeting and opens the Deliberations.

DELIBERATIONS

Trevor states he looked at the property and the proposal looks like the most logical place for the garage. If the size of the structure is reduced to 24' x 24', it will bring the side reduction down to about 8'. He continues, if the applicant pushes the structure toward the other side, he could still have the 24' x 32' garage and still reduce the side setback reduction.

The Board members discuss the options among themselves. The Board feels that if the structure is shifted a bit and storage all moved to one side, the applicant can still have full size requested with same storage only it would all be on one side and the garage door would not be centered but would allow for two cars to drive straight in.

Pat reads through the guidelines. Pat states on Page 88 of the Zoning Ordinance the criteria are: a) the need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood. The Board ultimately agrees it meets this requirement; b) that the granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties. The Board agrees it meets this requirement; c) the practical difficulty is not the result of action taken by the petitioner or a prior owner. The Board agrees it meets this requirement; d) no other feasible alternative is available to the petitioner. The Board agrees it meets this requirement; e) the granting of an easement will not unreasonably adversely affect the natural environment. The Board agrees it meets this requirement; f) the property is not located in whole or in part within the Shoreland Zone. The Board agrees it meets this requirement.

Pat next addresses the hardship criteria; we also need to consider hardship. The Board reviews: a) that the land in question cannot yield a reasonable

return unless a variance is granted. Trevor and Sue believe it is true. b) that the need for a variance is due to the unique circumstances of the property and not the general conditions in the neighborhood. The Board concurs. c) that the granting of a variance will not alter the essential character of the locality. The Board concurs. d) that the hardship is not the result of action taken by the applicant or a prior owner. The Board determines they meet the criteria.

Sue moves to grant a 7' reduction to the 40' required side setback to allow for a 33' side setback and to grant a 19' reduction to the 40' required rear setback to allow for a 21' rear setback to allow construction of a 24' x 32' garage.
Trevor seconds.
Any further discussion? None
All in favor? 3 yes (Sue, Pat & Trevor) – 0 no – 1 abstain (Ted)
The motion passes.

Sue moves to adjourn.
Trevor seconds.
Any further discussion? None
All in favor? 3 yes (Sue, Pat & Trevor) – 0 no – 1 abstain